

To: MAIL STOP PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



NEW APPLICATION TRANSMITTAL
UTILITY

Sir:

Transmitted herewith for filing is a **utility** patent application:

Inventor(s): ST. GERMAIN, et al.

Title: COUNTERPULSATION DEVICE WITH INCREASED VOLUME-
DISPLACEMENT EFFICIENCY AND METHODS OF USE

1. PAPERS ENCLOSED HERewith FOR FILING:

- 16 Page(s) of Specification:
13 Page(s) Claims:
1 Page(s) Abstract
12 Sheets of Drawings ☒ Informal ☐ Formal

2. ADDITIONAL PAPERS ENCLOSED IN CONNECTION WITH THIS FILING:

- ☒ Power of Attorney
☒ Declaration
☒ Assignment to COAXIA, INC. and assignment cover sheet.
☐ Verified Statement establishing "Small Entity" under 37 CFR §§ 1.9 and 1.27
☒ Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35
☐ Priority Document No(s): _____
☐ Information Disclosure Statement w/PTO 1449 ☐ References

CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' (Label No. EV337190442) in an envelope addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

September 2, 2003
Date of Deposit
IR1:1046659.1

Cynthia B. Pacheco
Cynthia B. Pacheco

☒ Preliminary Amendment

3. **THE FILING FEE HAS BEEN CALCULATED AS SHOWN BELOW:**

BASIC FILING FEE:				\$750.00
Total Claims	20	- 20	= 0 x \$18	\$0.00
Independent Claims	5	- 3	= 2 x \$84	\$168.00
Multiple Dependent Claims	\$270 (if applicable)			
TOTAL OF ABOVE CALCULATIONS				\$918.00
Reduction by ½ for Filing by Small Entity. Note 37 CFR 1.9, 1.27, 1.28. If applicable, Verified Statement must be attached.				(\$459.00)
Misc. Filing Fees (Recordation of Assignment)				\$40.00
TOTAL FEES SUBMITTED HEREWITH				\$499.00

4. **METHOD OF PAYMENT OF FEES**

- ☒ A check in the amount of \$499.00.
- ☐ Charge Deposit Account No. **50-0639** in the amount of \$0.00.
- ☐ This application is being filed without fee or Declaration under 37 CFR § 1.53

5. **AUTHORIZATION TO CHARGE FEES TO DEPOSIT ACCOUNT 50-0639**

- ☒ 37 CFR 1.16(a)(f) or (g) – **(Filing fees)**
- ☒ 37 CFR 1.16(a), (c) and (d) – **(Presentation of Extra Claims)**
- ☒ 37 CFR 1.16(e) – **(Surcharge for filing the basic filing fee and/or Declaration on a date later than the filing date of the application)**
- ☒ 37 CFR 1.17 – **(Any Application processing fees)**
- ☒ Credit Deposit Account No. **50-0639** for overpayment of fees

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: September 2, 2003

By: John Kappos
John Kappos
Reg. No. 37,861
Attorneys for Applicant

PTO Customer # 34263
O'Melveny & Myers LLP
114 Pacifica, Suite 100
Irvine, CA 92618-3315
(949) 737-2900

**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	ST. GERMAIN, et al.	
Title	COUNTERPULSATION DEVICE WITH INCREASED VOLUME-DISPLACEMENT EFFICIENCY AND METHODS OF USE	
Atty. Docket Number	161,700-079	

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

September 2, 2003

Date

Signature

(949) 737-2900

Telephone number

John Kappos

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, PO Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.